

09/634,723

BOYKP103US

REMARKS

Claims 1, 3-8, 11, 16 and 21-33 are currently pending in the subject application and are presently under consideration and are found on pages 2-7 of this Reply. Claims 1, 21, 22, 26 and 29 have been amended herein. Claims 2, 9, 10, 12-15, 17-20, 22, 26 and 34-40 stand withdrawn. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Claims 1, 21, 26 and 29

Claims 1, 21, 26 and 29 are objected to due to minor informalities. It is respectfully submitted that this objection be withdrawn since claims 1, 21, 26 and 29 have been amended herein to cure such informalities.

II. Rejection of Claims 26-28 Under 35 U.S.C. §112, Second Paragraph

Claims 26-28 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is respectfully submitted that this rejection is moot in light of the amendments to claim 26 (and claims 27-28 which depend therefrom). Accordingly, this rejection should be withdrawn.

III. Rejection of Claims 22-33 Under 35 U.S.C. §101

Claims 22-33 stand rejected 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. It is respectfully submitted that this rejection is moot in light of the amendments herein to independent claim 22 (and claims 23-33 which depend therefrom) and this rejection should be withdrawn.

IV. Rejection of Claims 1, 3-5, 11, 16 and 21-32 Under 35 U.S.C. §102(e)

Claims 1, 3-5, 11, 16 and 21-32 stand rejected under 35 U.S.C. §102(e) as being anticipated by Groat *et al.* (US 2001/0032155 A1). It is respectfully requested that this rejection be withdrawn for at least the following reason. Groat *et al.* does not teach or suggest each and every element of the subject claim.

09/634,723

BOYKP103US

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In particular, independent claim 1 (and similarly independent claim 22) recites a system that facilitates analysis and planning of business operations as they relate to at least one account comprising three user interfaces. In particular, one user interface element characterizes a method component used to derive base data for the at least one account. Another user interface is employed to characterize *an impact value* adapted to adjust the base data to provide adjusted data for the at least one account. Groat *et al.* does not teach or suggest such aspects of the claimed subject invention.

More particularly, Groat *et al.* does not teach or suggest *characterizing an impact value* adapted to adjust the base data to provide adjusted data for the at least one account. As defined in the subject specification, an impact value is "the absolute value of the impact" (*See* application p.37, Table VIII) and can refer to "any number of account attributes...designated in connection with an identified event or days associated with the event to derive desired impact data. The attributes for a particular type of event may be predefined, such as based on an analysis of stored data, or one or more attributes may be selected by a user." (*See* application p.32, II.6-10). Groat *et al.* does not mention defining a value in a manner that explicitly shows the impact a value has in relation to an account(s). Rather, Groat *et al.* merely discloses that a value can be *dependent or based on a particular value* if that value is derived by performing a mathematical calculation or logical decision using that value. (p.3, ¶38). However, this passage is not directed to *characterizing an impact value* adapted to adjust the base data to provide adjusted data for the at least one account, as recited in the subject claim.

In addition, paragraphs 32-39 and 59 similarly do not disclose the characterization of an impact value. Rather, the cited passages disclose various definitions of terms employed with Groat *et al.* For example, Paragraph 32 defines "value" of a numeric object

09/634,723

BOYKP103US

as "the numeric value of a numeric object." Paragraph 33 defines "property" of a numeric object as "one or more properties associated with a numeric object." Paragraph 34 defines "expression" as "one or more mathematical formulas used in determining the adjusted value for a numeric object." Such definitions do not teach or suggest the *characterization of an impact value* let alone the characterization of an impact value adapted to adjust the base data to provide adjusted data for at least one account, as recited in the subject claim.

Moreover, Groat *et al.* does not teach or suggest a user interface element that characterizes a method component used to *derive base data*. Base data is disclosed in the subject specification as "a base level of budget/forecast data for an account based on application of the method of field to the stored data." (p.47, ll. 1-3). The Examiner cites Fig.1 and ¶¶ 32-39, 59 to teach this limitation, however, such a limitation is not found in the cited reference. As noted above, the cited passages merely disclose *definitions of terms* related to numeric objects. Such passages are not directed to the characterization of a method component used to derive base data as recited in the subject claim. Thus, Groat *et al.* does not teach or suggest every element of the subject claims.

In view of at least the foregoing, it is respectfully submitted that Groat *et al.* neither anticipates nor suggests applicant's invention as recited in independent claims 1 and 22 (and claims 3-5, 11, 16, 21 and 23-32 which respectively depend therefrom). Accordingly, this rejection should be withdrawn.

V. Rejection of Claims 6-8 and 33 Under 35 U.S.C. §103(a)

Claims 6-8 and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Groat *et al.* (US 2001/0032155 A1) as applied to claims 1, 5 and 31 above. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Claims 6-8 and 33 are dependent from independent claims 1 and 22, respectively, and Groat *et al.* fails to teach or suggest each and every element of the independent claims as noted *supra*. Thus, it is requested that this rejection be withdrawn.

09/634,723

BOYKP103US

VI. Conclusion

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin

Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731